

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE: Chapter 13 Whelks and Periwinkles

CONCISE SUMMARY: *The proposed regulations would implement a prohibition on the harvest by mechanical pump, suction methods, and or diving; establish a minimum size based on a quart sample count of 220; limit the maximum aggregate drag size to 4 feet in width; require culls and undersize to be released into marine waters; no night time dragging; require a no cost license endorsement; and provide an exemption for personal use. The primary concerns are that periwinkles are being suctioned from areas that would previously have been unavailable to harvest, therefore negatively impacting the broodstock population. Secondly the practice of grading periwinkles away from their habitat and or onshore is resulting in an unnecessary mortality of the periwinkle resource, in particular future broodstock.*

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PUBLIC HEARINGS:

Tues., June 9, 2009, 6:00pm, UMM Science Lecture Hall, Rm 102, 9 O'Brien Ave., Machias

Wed., June 10, 2009, 6:00pm, State Ferry Terminal, Conf. Rm, 517A Maine St., Rockland

DEADLINE FOR COMMENTS: **June 22, 2009**

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON:

AGENCY NAME:

ADDRESS:

WEB SITE:

E-MAIL:

TEL:

FAX:

TTY:

Hearing facilities:

Lt. Alan Talbot (207-667-3373)

Department of Marine Resources, attn: L. Churchill

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(207) 633-9500 (Deaf/Hard of Hearing)

**If you require accommodations due to disability,
please contact Amanda Beckwith, at (207) 287-7578.**

Additional information:

The proposed amendments would impact dealers and commercial fishing license holders who harvest periwinkles by suction pumping/diving methods, dragging or hand harvest and grade/discard the harvested periwinkles on land. Reporting of periwinkles landed by dealers is required as of 2008.

The Department has been informed of concerns about depletion of the periwinkle resource due the recent renewed increase of harvesting periwinkles by suction pumping instead of by hand. In the lower water rock-mud interface, in the rock cracks and crevices, the winter periwinkles are normally not harvestable by picking or dragging and function as an annual spawning source. The suction or pumping type harvest is particularly capable of access to the resource in these locations. The requirement to return graded or screened periwinkle culls to marine water and preferably the harvest site would further help conservation of the resource similar to other fisheries that grade or liberate undersize or by-catch on site.

If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

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CHAPTER 13 – Whelks and Periwinkles

13.20 Harvesting of Periwinkles

1. Definitions

A. “Periwinkle” means the common periwinkle of the genus *Littorina*.

2 Harvest restrictions

A. Methods of harvest prohibited

It shall be unlawful to fish for or take periwinkles by diver/diving (SCUBA or snorkel), pump, suction or any type of mechanical pumping.

B. Minimum size

It shall be unlawful to take, possess, ship, transfer, transport, buy, or sell undersize periwinkles. For the purpose of this regulation undersize periwinkles will be determined by numerical count as follows:

The numerical count shall be determined by taking a random one quart sample from the bulk pile and then counting the periwinkles to determine the amount of periwinkles in the one quart container. If the one quart sample contains more than 220 periwinkles they will be considered undersize. This method of measurement results in an average taken at the narrowest diameter of the girth of 9/16” or less.

C. Drag size

It shall be unlawful to fish for periwinkles in Maine’s territorial waters with any one combination of drags having an aggregate size in excess of 4’ in width measuring from the extreme outside edge on one side to the extreme outside edge on the opposite side.

D. Culling requirement

Undersize periwinkles as well as all bycatch must be immediately liberated into marine waters in the area where harvested.

E. Night prohibition

It shall be unlawful to fish for or take periwinkles within Maine’s territorial waters by dragging during the period ½ hour after sunset, as defined in [12 M.R.S.A. §6001\(46\)](#), until ½ hour before sunrise, as defined in [12 M.R.S.A. §6001\(45\)](#).

F. Personal use exemption

Recreational harvesters may possess up to 2 quarts per day of periwinkles for personal use without a license.

3. License Endorsement

It shall be unlawful to harvest periwinkles unless the harvester holds a Commercial Fishing – Single license with the Periwinkle Permit endorsement or a Commercial Fishing – Crew license with the Periwinkle Permit endorsement*. There will be no additional charge for this permit. *DMR License Division telephone (207-624-6550) or for online information select the following link: <http://www.maine.gov/dmr/license/index.htm>